

AMENDED IN SENATE AUGUST 19, 2015

AMENDED IN SENATE JULY 8, 2015

AMENDED IN SENATE JUNE 24, 2015

AMENDED IN SENATE JUNE 1, 2015

AMENDED IN ASSEMBLY APRIL 8, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 732**

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**Introduced by Assembly Member Cooper**  
**(Coauthors: Assembly Members Bigelow, Chávez, and ~~Dahle~~ *Dahle*,  
and *Cristina Garcia*)**  
(Coauthor: Senator Nielsen)

February 25, 2015

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An act to amend Sections 20751, 20754, 20755, 20756, 20757, 20758, 21283, 21283.5, 21285, 21288, 21288.5, 21563, and 21563.5 of, and to add Section 21060.4 to, the Food and Agricultural Code, relating to livestock, and making an appropriation therefor.

### LEGISLATIVE COUNSEL'S DIGEST

AB 732, as amended, Cooper. Cattle protection: brands: inspection: fees.

(1) Existing law establishes a system for the recordation of cattle brands and establishes various fees in connection with the recordation and the use of a brand, as specified. Existing law also establishes various inspection fees per cattle, as specified. Existing law requires these fees to be deposited in the Department of Food and Agriculture Fund, a continuously appropriated fund.

This bill would increase the inspection fees and other various fees in connection with the recordation and use of cattle brands. By increasing the amount of fees deposited in a continuously appropriated fund, this bill would make an appropriation.

(2) Existing law requires cattle to be inspected before being moved or transported under certain circumstances, including whenever cattle are sold.

This bill would exempt cattle that are being sold or whose ownership is being transferred from these inspection provisions if the individual or entity with a controlling interest in the cattle remains unchanged, if the cattle will not be moved out of state or out of a modified point-of-origin inspection area, and if the cattle are associated with either a registered brand or dairy exemption number. The bill would require, within 30 days of ownership transfer, all persons who have ownership in the cattle, including both the transferor and the transferee, to self-certify, under penalty of perjury, to the Department of Food and Agriculture as to their ownership in the cattle on a form prescribed by the department. By creating a new crime, this bill would impose a state-mandated local program. The bill would authorize the department to charge a fee to cover the reasonable costs of processing the form but would prohibit the fee from exceeding \$50 or the department's actual costs of conducting these activities.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 20751 of the Food and Agricultural Code
- 2 is amended to read:
- 3 20751. The fee for each application for recording a brand is
- 4 seventy dollars (\$70).
- 5 SEC. 2. Section 20754 of the Food and Agricultural Code is
- 6 amended to read:
- 7 20754. Except as otherwise provided in Section 20755, the
- 8 owner of a brand shall, on or before April 30 after its recordation,

1 pay to the bureau a biennial period renewal fee of seventy dollars  
2 (\$70) for the right to continue to use the brand.

3 SEC. 3. Section 20755 of the Food and Agricultural Code is  
4 amended to read:

5 20755. The owner of a recorded brand may, on or before April  
6 30 of any year, pay in advance to the bureau a sum that is a multiple  
7 of seventy dollars (\$70). The payment entitles him or her to use  
8 the brand for a minimum of two years, but not to exceed 10 years,  
9 at the rate of thirty-five dollars (\$35) per year on and after April  
10 1 of that year. If the advance payment is made, biennial renewals  
11 for the years within the period for which advance payment has  
12 been made are not required.

13 SEC. 4. Section 20756 of the Food and Agricultural Code is  
14 amended to read:

15 20756. If the right to use a brand is suspended for failure to  
16 pay the renewal fee, it may be reinstated within one year from the  
17 date of suspension upon the payment of the biennial renewal fee  
18 of seventy dollars (\$70) plus a twenty-five dollar (\$25) penalty  
19 fee.

20 SEC. 5. Section 20757 of the Food and Agricultural Code is  
21 amended to read:

22 20757. (a) Except as provided in subdivision (b), the fee for  
23 rerecording a forfeited or canceled brand shall be one hundred  
24 forty dollars (\$140). This amount shall accompany the application  
25 to rerecord.

26 (b) When a penalty has been paid pursuant to Section 20222,  
27 within 30 days of the date the application to rerecord is received  
28 by the secretary, the fee to rerecord shall be seventy dollars (\$70).

29 SEC. 6. Section 20758 of the Food and Agricultural Code is  
30 amended to read:

31 20758. The fee for recording the transfer of a brand, including  
32 a new certificate, is seventy dollars (\$70).

33 SEC. 7. Section 21060.4 is added to the Food and Agricultural  
34 Code, to read:

35 21060.4. (a) Inspection is not required in cases where cattle  
36 are sold or ownership is transferred under all of the following  
37 circumstances:

38 (1) The individual or entity with a controlling interest in the  
39 cattle remains unchanged.

1 (2) The cattle will not be moved out of state or out of a modified  
2 point-of-origin inspection area.

3 (3) The cattle are associated with either a registered brand or  
4 dairy exemption number.

5 (b) All persons who have ownership in the cattle, including both  
6 the transferor and the transferee, shall, within 30 days of ownership  
7 transfer, self-certify, under penalty of perjury, to the department  
8 as to their ownership in the cattle on a form prescribed by the  
9 department.

10 (c) The department may charge a fee to cover the reasonable  
11 costs of processing the form identified in subdivision (b), but the  
12 fee shall not exceed fifty dollars (\$50) or the department's actual  
13 costs of conducting these activities.

14 (d) An owner of cattle that is otherwise exempt from inspection  
15 pursuant to this section may elect to have that cattle inspected  
16 pursuant to Section 21051.

17 (e) A violation of this section shall be subject to the penalties  
18 described in Section 21051.3.

19 SEC. 8. Section 21283 of the Food and Agricultural Code is  
20 amended to read:

21 21283. (a) Unless otherwise provided in this article, inspection  
22 fees shall be paid at the point of inspection.

23 (b) The fee for inspection is one dollar and twenty-five cents  
24 (\$1.25) for each animal that is inspected, except as follows:

25 (1) The fee for inspection at a registered feedlot, as defined in  
26 Section 20015, is sixty-four cents (\$0.64) for each animal that is  
27 inspected.

28 (2) The fee for inspecting an animal that originated in another  
29 state and was shipped into this state for feeding direct to a  
30 registered feedlot is forty-three cents (\$0.43) for each animal that  
31 is inspected.

32 (3) The fee for inspecting an animal that was inspected at a  
33 ~~posted-stockyard~~ *stockyard*, or ~~posted-saleyard~~ *saleyard*, in this  
34 state, and shipped direct to a registered feedlot, is forty-three cents  
35 (\$0.43) for each animal that is inspected.

36 SEC. 9. Section 21283.5 of the Food and Agricultural Code is  
37 amended to read:

38 21283.5. Except as otherwise provided in this article, on all  
39 private treaty transaction inspections, as defined in Section 20026,  
40 regardless of destination, the fee of one dollar and twenty-five

1 cents (\$1.25) shall be paid at the point of inspection for each animal  
2 that is inspected.

3 SEC. 10. Section 21285 of the Food and Agricultural Code is  
4 amended to read:

5 21285. The fee is one dollar and twenty-five cents (\$1.25) for  
6 the inspection before sale of each animal at a public saleyard that  
7 is posted by the Secretary of Agriculture of the United States or  
8 at a public saleyard if the animal originated in another state and it  
9 was shipped to this state, consigned to that public stockyard or  
10 public saleyard.

11 SEC. 11. Section 21288 of the Food and Agricultural Code is  
12 amended to read:

13 21288. In a modified point-of-origin inspection area, as  
14 provided in Section 21111, the fee for the inspection of cattle,  
15 other than suckling calves that are accompanying their mothers,  
16 is one dollar and twenty-five cents (\$1.25) per head if the cattle  
17 are transported out of the area for purposes other than sale or  
18 slaughter and no change of ownership is involved.

19 SEC. 12. Section 21288.5 of the Food and Agricultural Code  
20 is amended to read:

21 21288.5. For cattle, other than suckling calves accompanying  
22 their mothers, transported out of the state for purposes other than  
23 sale or slaughter and where no change of ownership is involved,  
24 the inspection fee is one dollar and twenty-five cents (\$1.25) per  
25 head.

26 SEC. 13. Section 21563 of the Food and Agricultural Code is  
27 amended to read:

28 21563. Except as otherwise provided in this article, the fee  
29 shall be paid at the point of inspection and is one dollar and seventy  
30 cents (\$1.70) for each carcass or hide that is inspected.

31 SEC. 14. Section 21563.5 of the Food and Agricultural Code  
32 is amended to read:

33 21563.5. The fee for the inspection of each carcass or hide  
34 shall be one dollar and seventy cents (\$1.70) for each carcass and  
35 hide originating in those counties or geographical areas where a  
36 point-of-origin inspection is maintained pursuant to Article 4  
37 (commencing with Section 21141) of Chapter 6.

38 SEC. 15. No reimbursement is required by this act pursuant to  
39 Section 6 of Article XIII B of the California Constitution because  
40 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or  
2 infraction, eliminates a crime or infraction, or changes the penalty  
3 for a crime or infraction, within the meaning of Section 17556 of  
4 the Government Code, or changes the definition of a crime within  
5 the meaning of Section 6 of Article XIII B of the California  
6 Constitution.

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